

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:04-CR-00125-F

UNITED STATES OF AMERICA,)	
)	
v.)	<u>ORDER</u>
)	
JOHN KENNEDY SWEAT,)	
Defendant.)	

This matter is before the court on Defendant's letter motion [DE-22] filed with this court on July 15, 2013. In his motion, Defendant requests clarification regarding payment of the \$25,000.00 Judgment entered against him on January 21, 2005. Defendant further requests that his payments be waived until he is released from prison.


A review of the record in this case reveals that on January 18, 2005, the undersigned entered an Order of Forfeiture [DE-11]. Then, on January 21, 2005, the Clerk of Court entered a Judgment [DE-12], pursuant to the January 18, 2005 Order of Forfeiture. On May 16, 2005, Defendant was sentenced, and the court's May 16, 2005 Judgment contains the following language:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment.

See Judgment [DE-15]. The May 16, 2005 Judgment does not contain special instructions to the contrary and does impose a period of imprisonment. Thus, as set forth in the May 16, 2005 Judgment, the court was expecting Defendant to make payments during his term of imprisonment. For this reason, to the extent that Defendant's letter motion [DE-22] is seeking a waiver of payments during his imprisonment, the motion is DENIED.

SO ORDERED.

This, the 31st day of July, 2013.



JAMES C. FOX
Senior United States District Judge